



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Crime Subcommittee Hearing Thursday on Bill Establishing a Judicial Branch Inspector General

What: Legislative Hearing on H.R. 5219, the "Judicial Transparency and Ethics Enhancement Act of 2006"
Who: Subcommittee on Crime, Terrorism and Homeland Security - Rep. Howard Coble (R-N.C.), Chairman
When: 11:30 a.m. Thursday, June 29, 2006
Where: 2141 Rayburn Building

The Constitution gives Congress oversight responsibility for both the executive and judicial branches. In 1980, Congress enacted the Judicial Councils Reform and Judicial Conduct and Disability Act to allow citizens to file complaints against federal judges for misconduct. The law permits the federal Judiciary to judge its own, in that complaints are reviewed by the chief judge of the relevant circuit, and in more serious cases, judicial councils within the circuit. Sanctions can range from restrained responses to a Judicial Conference recommendation that an offending judge be impeached.

PROBLEMS...

- ✓ **Conflict of interest and federal recusal statutes** – The two federal recusal statutes are rarely used. In 2003, federal appeals court judges presided over at least seven lawsuits while they or their spouses owned stock in a company involved in the case or had other financial ties to one of the parties. Practicing attorneys and litigants anecdotally suggest they fear offending a presiding judge who may retaliate in future legal proceedings.
- ✓ **Disclosure of private travel** – Numerous Federal judges are not complying with Federal law which requires judges to disclose annually private gifts of more than \$250.
- ✓ **Waste, Fraud and Abuse** – Congress appropriates hundreds of millions of dollars each year for the Federal Judicial Branch, yet there is little transparency and information about how this money is spent.

THIS LEGISLATION WOULD...

- ✓ Establish an independent Inspector General (IG) for the Judicial Branch, modeled after Inspector Generals that exist for various executive branch departments. **The Judicial IG would not have any authority or jurisdiction over the substance of a judge's opinions.**
- ✓ Proscribe the IG's duties to include: 1) conducting investigations of matters relating to the Judicial branch (other than the Supreme Court), including possible judicial misconduct that may require oversight or other action by Congress; 2) conducting and supervising audits and investigations; 3) preventing and detecting waste, fraud, and abuse; and 4) recommending changes in laws or regulations governing the Judicial Branch.

WITNESSES: Sen. Charles Grassley, (R-Iowa); Mr. Ronald Rotunda, Professor of Law, George Mason University School of Law; Mr. Arthur Hellman, Professor of Law, University of Pittsburgh School of Law; and Mr. Charles Geyh, Professor of Law, Indiana University School of Law at Bloomington.

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